



March 25, 2003

ENGROSSED HOUSE BILL No. 1078

DIGEST OF HB 1078 (Updated March 20, 2003 11:49 AM - DI 102)

Citations Affected: IC 5-14.

Synopsis: Confidentiality of public employee bargaining. Provides that agents appointed by a governing body of a public agency to conduct collective bargaining on behalf of the governing body are not subject to the open door law. (Currently only agents appointed by a school corporation to conduct collective bargaining on behalf of the school corporation are exempted from the open door law.)

Effective: July 1, 2003.

**Cheney, Liggett, Alderman,
Adams T**

(SENATE SPONSORS — SERVER, LUTZ L)

January 7, 2003, read first time and referred to Committee on Labor and Employment.
February 17, 2003, reported — Do Pass.
February 20, 2003, read second time, ordered engrossed. Engrossed.
February 24, 2003, read third time, passed. Yeas 94, nays 2.

SENATE ACTION

February 27, 2003, read first time and referred to Committee on Pensions and Labor.
March 24, 2003, reported favorably — Do Pass.

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EH 1078—LS 6331/DI 87+



March 25, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1078

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-14-1.5-2, AS AMENDED BY P.L.90-2002,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 2. For the purposes of this chapter:

4 (a) "Public agency" means the following:

5 (1) Any board, commission, department, agency, authority, or
6 other entity, by whatever name designated, exercising a portion of
7 the executive, administrative, or legislative power of the state.

8 (2) Any county, township, school corporation, city, town, political
9 subdivision, or other entity, by whatever name designated,
10 exercising in a limited geographical area the executive,
11 administrative, or legislative power of the state or a delegated
12 local governmental power.

13 (3) Any entity which is subject to either:

14 (A) budget review by either the department of local
15 government finance or the governing body of a county, city,
16 town, township, or school corporation; or

17 (B) audit by the state board of accounts.

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(4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.

(7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(b) "Governing body" means two (2) or more individuals who are:

(1) a public agency that:

(A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and

(B) takes official action on public business;

(2) the board, commission, council, or other body of a public agency which takes official action upon public business; or

(3) any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. An agent or agents appointed by ~~a school corporation~~ **the governing body** to conduct collective bargaining on behalf of ~~that school corporation~~ **the governing body** does not constitute a governing body for purposes of this chapter.

(c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include:

(1) any social or chance gathering not intended to avoid this chapter;

(2) any on-site inspection of any project or program;

(3) traveling to and attending meetings of organizations devoted to betterment of government; or

(4) a caucus.

(d) "Official action" means to:

(1) receive information;

(2) deliberate;

(3) make recommendations;

(4) establish policy;

(5) make decisions; or

(6) take final action.

(e) "Public business" means any function upon which the public

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- 1 agency is empowered or authorized to take official action.
- 2 (f) "Executive session" means a meeting from which the public is
- 3 excluded, except the governing body may admit those persons
- 4 necessary to carry out its purpose.
- 5 (g) "Final action" means a vote by the governing body on any
- 6 motion, proposal, resolution, rule, regulation, ordinance, or order.
- 7 (h) "Caucus" means a gathering of members of a political party or
- 8 coalition which is held for purposes of planning political strategy and
- 9 holding discussions designed to prepare the members for taking official
- 10 action.
- 11 (i) "Deliberate" means a discussion which may reasonably be
- 12 expected to result in official action (defined under subsection (d)(3),
- 13 (d)(4), (d)(5), or (d)(6)).
- 14 (j) "News media" means all newspapers qualified to receive legal
- 15 advertisements under IC 5-3-1, all news services (as defined in
- 16 IC 34-6-2-87), and all licensed commercial or public radio or television
- 17 stations.
- 18 (k) "Person" means an individual, a corporation, a limited liability
- 19 company, a partnership, an unincorporated association, or a
- 20 governmental entity.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1078, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 9, nays 2.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1078, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1078 as printed February 18, 2003.)

HARRISON, Chairperson

Committee Vote: Yeas 6, Nays 0.

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